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APR 07 2006

Attorney Docket No.: 101137-70

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICEUS PATENT & TRADEMARK  
OFFICE

APPLICANT(S): Christiaan Daniel DEN HENGST et al.

SERIAL NO. : 10/562,601

FILED : December 28, 2005

FOR : Methods and Means for Regulating Gene Expression

ART UNIT : To Be Assigned

EXAMINER : To Be Assigned

April 6, 2006

Commissioner for Patents  
 Refund Section, Accounting Division  
 Office of Finance  
 P.O. Box 1450  
 Arlington, VA 22313-1450

REQUEST FOR REFUND**I. REFUND REQUEST**

This is a request for a refund, with respect to charges to Deposit Account No. 14-1263, shown on the statement for January 2006, for the above identified patent application. A copy of the monthly statement, in which the error referred to occurs, accompanies this request.

**II. FEES CHARGED FOR WHICH REFUND REQUESTED**

## Refund Requested

- Filing fees  
(Basic national fee, examination fee, search fee  
(International Search Report was provided)
- Surcharge for filing the basic filing fee on a date later than  
the filing fee of the application (37 CFR § 1.16(e))  
and/or
- Surcharge for filing the oath or declaration on a date later  
than the filing date of the application (37 CFR § 1.16(e))
- Extension of the term for first month

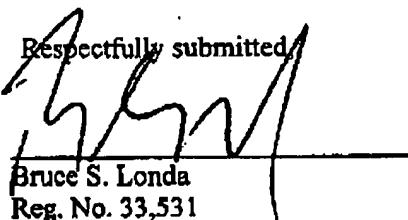
|   |         |
|---|---------|
| <input checked="" type="checkbox"/> Excess Claims | \$2,200 |
| <input type="checkbox"/> Issue Fee                |         |
| <input type="checkbox"/> Petition Fee             |         |
| <input type="checkbox"/> Other                    |         |

**III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR**

The transmittal letter contains an erroneous counting of claims. The correct number is 8 excess independent claims and 31 excess total claims. This Request for Refund seeks a refund of the overpayment. The excess overpaid charges equal \$2,200.

**IV. MANNER OF REFUND**

Please make refund by crediting \$2,200 to Deposit Account No. 14-1263.

Respectfully submitted,  
  
Bruce S. Londa  
Reg. No. 33,531

Norris McLaughlin & Marcus, PA  
875 Third Avenue, 18<sup>th</sup> Floor  
New York, N.Y. 10022  
Telephone: (212) 808-0700

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being deposited via facsimile to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below:

Date: 4/7/06 By: Tina Manor  
Tina Manor  
11 PAGES

## Deposit Account Statement



**United States  
Patent and  
Trademark Office**

Patent & Tm  
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**Deposit Account Statement****Requested Statement Month:**

January 2006

**Deposit Account Number:**

141263

**Name:**

NORRIS, MC LAUGHLIN &amp; MARCUS

**Attention:**

WILLIAM R. ROBINSON

**Address:**

P.O. BOX 1018

**City:**

SOMERVILLE

**State:**

NJ

**Zip:**

08876-1018

**Country:**

UNITED STATES OF AMERICA

| DATE  | SEQ | POSTING<br>REF | ATTORNEY<br>DOCKET<br>NBR | FEE<br>CODE | AMT          | BAL         |
|-------|-----|----------------|---------------------------|-------------|--------------|-------------|
| 01/03 | 22  | 10490837       | 101371-28                 | 1808        | \$180.00     | \$30,421.34 |
| 01/03 | 935 | 2337313        | 101293-240                | 7205        | \$300.00     | \$30,121.34 |
| 01/04 | 1   | 10363272       | 102792-74                 | 1252        | \$450.00     | \$29,671.34 |
| 01/04 | 1   | 10535262       | 100717-869-WCG            | 1617        | \$130.00     | \$29,541.34 |
| 01/04 | 45  | PAYMENT        |                           | 9203        | -\$30,000.00 | \$69,541.34 |
| 01/04 | 62  | 10209351       | 100717-546                | 1251        | \$120.00     | \$69,421.34 |
| 01/04 | 73  | 10396235       | METAL 1305-WCG 2001 00 31 | 1501        | \$1,400.00   | \$58,021.34 |
| 01/04 | 74  | 10396235       | METAL 1305-WCG 2001 00 31 | 1504        | \$300.00     | \$57,721.34 |
| 01/04 | 75  | 10396235       | METAL 1305-WCG 2001 00 31 | 8001        | \$8.00       | \$57,715.34 |
| 01/04 | 78  | 10483546       | 102790-164                | 1501        | \$1,400.00   | \$56,315.34 |
| 01/04 | 79  | 10483546       | 102790-164                | 1504        | \$300.00     | \$56,015.34 |
| 01/04 | 80  | 10483546       | 102790-164                | 8001        | \$6.00       | \$56,009.34 |
| 01/04 | 158 | 10383278       | 101769-210/T              | 1801        | \$790.00     | \$56,219.34 |
| 01/04 | 157 | 10363278       | 101769-210/T              | 1252        | \$330.00     | \$54,889.34 |
| 01/04 | 159 | 11321396       | 101769-339-WCG            | 1011        | \$300.00     | \$54,589.34 |
| 01/04 | 160 | 11321396       | 101769-339-WCG            | 1111        | \$500.00     | \$54,089.34 |
| 01/04 | 161 | 11321396       | 101769-339-WCG            | 1311        | \$200.00     | \$53,889.34 |
| 01/04 | 166 | 11247634       | 101215-199                | 1051        | \$130.00     | \$53,759.34 |
| 01/04 | 167 | 11245936       |                           | 2011        | \$150.00     | \$53,609.34 |
| 01/04 | 168 | 11245936       |                           | 2111        | \$250.00     | \$53,359.34 |
| 01/04 | 169 | 11245936       |                           | 2311        | \$100.00     | \$53,259.34 |
| 01/04 | 170 | 11245936       |                           | 2051        | \$65.00      | \$53,194.34 |
| 01/04 | 182 | 10520209       | 102134-18                 | 1617        | \$130.00     | \$53,064.34 |
| 01/04 | 199 | 6366319        | 20776-230US               | 8021        | \$40.00      | \$53,024.34 |
| 01/04 | 200 | 6366319        | 20778-230US               | 8021        | \$40.00      | \$52,984.34 |
| 01/04 | 208 | 6366319        |                           | 8021        | \$40.00      | \$52,944.34 |
| 01/04 | 215 | 11321325       | 101769-338-WCG            | 1011        | \$300.00     | \$52,644.34 |
| 01/04 | 216 | 11321325       | 101769-338-WCG            | 1111        | \$500.00     | \$52,144.34 |
| 01/04 | 217 | 11321325       | 101769-338-WCG            | 1311        | \$200.00     | \$51,944.34 |
| 01/04 | 238 | 11321920       | 101769-340-WCG            | 1011        | \$300.00     | \$51,644.34 |

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PAGE 04/11  
Page 2 of 3

**Deposit Account Statement**

**APR 07 2006**

|            |          |                           |      |            |             |
|------------|----------|---------------------------|------|------------|-------------|
| 01/04 239  | 11321920 | 101769-340-WCG            | 1111 | \$500.00   | \$51,144.34 |
| 01/04 240  | 11321920 | 101769-340-WCG            | 1311 | \$200.00   | \$50,944.34 |
| 01/04 280  | 10845248 | 102792-158                | 1464 | \$130.00   | \$50,814.34 |
| 01/04 582  | 10518317 | 101195-90                 | 2617 | \$65.00    | \$50,749.34 |
| 01/04 583  | 10518317 | 101195-90                 | 2253 | \$510.00   | \$50,239.34 |
| 01/04 1012 | 78312076 | 103151-9                  | 7004 | \$150.00   | \$50,089.34 |
| 01/05 1    | 10321237 | 101769-194/TESA           | 1801 | \$790.00   | \$49,299.34 |
| 01/05 2    | 10737211 | TESA 1621-WCG             | 1251 | \$120.00   | \$49,179.34 |
| 01/05 9    | 10542226 | 101769-320 KGB            | 1632 | -\$500.00  | \$49,879.34 |
| 01/05 10   | 10542226 | 101769-320 KGB            | 1842 | \$400.00   | \$49,279.34 |
| 01/05 41   | D509892  | 102792-240                | 1462 | -\$400.00  | \$48,679.34 |
| 01/05 42   | D509892  | 102792-240                | 1464 | \$130.00   | \$49,549.34 |
| 01/05 59   | 11244890 | 101215-203                | 1051 | \$130.00   | \$49,419.34 |
| 01/05 84   | 10471640 | 101215-145                | 1251 | \$120.00   | \$49,299.34 |
| 01/05 107  | 29241080 | 102792-496                | 1051 | \$130.00   | \$49,169.34 |
| 01/05 126  | 29240908 | 105039-2                  | 2051 | \$65.00    | \$49,104.34 |
| 01/05 129  | 10485589 | 101194-74                 | 1253 | \$1,020.00 | \$48,084.34 |
| 01/06 1    | 10542622 |                           | 1617 | \$130.00   | \$47,954.34 |
| 01/06 2    | 10542622 |                           | 1614 | -\$200.00  | \$48,154.34 |
| 01/06 9    | 8417265  | 103079-007                | 1551 | \$900.00   | \$47,254.34 |
| 01/06 35   | 10363794 | 101769-204 TESA 1586-WCG  | 1253 | \$1,020.00 | \$46,234.34 |
| 01/06 36   | 10720828 | TESA 1628-WCG             | 1814 | \$130.00   | \$46,104.34 |
| 01/06 37   | 10720828 | TESA 1628-WCG             | 1814 | \$130.00   | \$45,974.34 |
| 01/06 41   | 10081616 | 101769-141                | 1801 | \$790.00   | \$45,184.34 |
| 01/06 42   | 10081816 | 101769-141                | 1253 | \$900.00   | \$44,284.34 |
| 01/06 43   | 10081616 | 101769-141                | 1201 | \$400.00   | \$43,884.34 |
| 01/06 134  | 10562601 | 101137-70                 | 1631 | \$300.00   | \$43,584.34 |
| 01/06 135  | 10562601 | 101137-70                 | 1642 | \$400.00   | \$43,184.34 |
| 01/06 136  | 10562601 | 101137-70                 | 1633 | \$200.00   | \$42,984.34 |
| 01/06 137  | 10562601 | 101137-70                 | 1615 | \$2,150.00 | \$40,834.34 |
| 01/06 138  | 10562601 | 101137-70                 | 1614 | \$3,200.00 | \$37,834.34 |
| 01/09 1    | 10202332 | 100717557BAY              | 1253 | \$1,020.00 | \$36,614.34 |
| 01/09 28   | 10338556 | TESAAG1580WCG/210DR.HE-AR | 1801 | \$790.00   | \$35,824.34 |
| 01/09 29   | 10338556 | TESAAG1580WCG/210DR.HE-AR | 1253 | \$1,020.00 | \$34,804.34 |
| 01/09 33   | 10343363 | 101194-64                 | 2253 | \$510.00   | \$34,294.34 |
| 01/09 63   | 10399204 | 101215-131                | 2251 | \$60.00    | \$34,234.34 |
| 01/09 79   | 10416784 | 103061-2                  | 2251 | \$60.00    | \$34,174.34 |
| 01/09 148  | 10204085 | 102228-4                  | 1251 | \$120.00   | \$34,054.34 |
| 01/09 241  | 10528541 |                           | 8021 | \$40.00    | \$34,014.34 |
| 01/09 441  | 10563261 | 102792-511 (11284P6 US)   | 1631 | \$300.00   | \$33,714.34 |
| 01/09 442  | 10563261 | 102792-511 (11284P6 US)   | 1642 | \$400.00   | \$33,314.34 |
| 01/09 443  | 10563261 | 102792-511 (11284P6 US)   | 1833 | \$200.00   | \$33,114.34 |
| 01/09 1532 | 78243670 | 101134-7                  | 7004 | \$150.00   | \$32,964.34 |
| 01/10 1    | 10472628 | 101769-232/TESA AG1613HCL | 1808 | \$180.00   | \$32,784.34 |
| 01/10 2    | 10202332 | 100717557BAY              | 1801 | \$790.00   | \$31,994.34 |
| 01/10 30   | D512181  | 102792-223                | 1462 | \$400.00   | \$31,594.34 |
| 01/10 31   | D512181  | 102792-223                | 1811 | \$100.00   | \$31,494.34 |
| 01/10 53   | 10333527 | 101194-63                 | 1251 | \$120.00   | \$31,374.34 |
| 01/10 67   | D511806  | 102792-276                | 1462 | \$400.00   | \$30,974.34 |
| 01/10 68   | D511806  | 102792-276                | 1811 | \$100.00   | \$30,874.34 |
| 01/10 111  | 5779333  | 101194-44                 | 1552 | \$2,300.00 | \$28,574.34 |

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PAGE 05/11

Page 3 of 3

Deposit Account Statement

|                     |            |      |          |             |
|---------------------|------------|------|----------|-------------|
| 01/10 121 8489484   | 101221-566 | 1551 | \$900.00 | \$27,674.34 |
| 01/10 142 11195212  |            | 8021 | \$40.00  | \$27,634.34 |
| 01/10 1308 78353939 | 101313-23  | 7001 | \$325.00 | \$27,309.34 |

| START BALANCE | SUM OF CHARGES | SUM OF REPLENISH | END BALANCE |
|---------------|----------------|------------------|-------------|
| \$30,601.34   | \$34,392.00    |                  | \$31,100.00 |
|               |                |                  | \$27,309.34 |

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## Supplemental Application Data Sheet

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Page 1 of 6

## Application Information

APR 07 2006

|                                |    |   |
|--------------------------------|----|---|
| Applicant Type                 | :: | Regular   |
| Subject Matter                 | :: | Utility   |
| Suggested Classification       | :: |   |
| Suggested Group Art Unit       | :: |   |
| CD-ROM or CD-R?                | :: | None  |
| Title                          | :: | METHODS AND MEANS FOR REGULATING<br>GENE EXPRESSION |
| Attorney Docket Number         | :: | 101137-70   |
| Request for Early Publication? | :: | No  |
| Request for Non-Publication?   | :: | No  |
| Suggested Drawing Sheets       | :: |   |
| Total Drawing Sheets           | :: | 14  |
| Small Entity                   | :: | No  |
| Secrecy Order in Parent Appl.? | :: | No  |

## First Inventor Information

|                             |    |                    |
|-----------------------------|----|--------------------|
| Inventor Authority type     | :: | Inventor           |
| Primary Citizenship Country | :: | Netherlands        |
| Status                      | :: | Full Capacity      |
| Given Name                  | :: | Christiaan         |
| Middle Name                 | :: | Daniel             |
| Family Name                 | :: | DEN HENGST         |
| City of Residence           | :: | Groningen          |
| Country of Residence        | :: | Netherlands        |
| Street                      | :: | Oliemuldersweg 172 |
| City                        | :: | Groningen          |
| Postal or Zip Code          | :: | NL-9713 VK         |
| Country                     | :: | Netherlands        |

## Supplemental Application Data Sheet

Page 2 of 6

**Second Inventor Information**

|                             |    |                       |
|-----------------------------|----|-----------------------|
| Inventor Authority type     | :: | Inventor              |
| Primary Citizenship Country | :: | Serbia and Montenegro |
| Status                      | :: | Full Capacity         |
| Given Name                  | :: | Olivera               |
| Middle Name                 | :: |                       |
| Family Name                 | :: | GAJIC                 |
| City of Residence           | :: | Bennekom              |
| Country of Residence        | :: | Netherlands           |
| Street                      | :: | Esdoornlaan 7         |
| City                        | :: | Bennekom              |
| Postal or Zip Code          | :: | NL-6721 CG            |
| Country                     | :: | Netherlands           |

**Third Inventor Information**

|                             |    |               |
|-----------------------------|----|---------------|
| Inventor Authority type     | :: | Inventor      |
| Primary Citizenship Country | :: | Netherlands   |
| Status                      | :: | Full Capacity |
| Given Name                  | :: | Oscar         |
| Middle Name                 | :: | Paul          |
| Family Name                 | :: | KUIPERS       |
| City of Residence           | :: | Groningen     |
| Country of Residence        | :: | Netherlands   |
| Street                      | :: | Lepelaar 95   |
| City                        | :: | Groningen     |
| Postal or Zip Code          | :: | NL-9728 XG    |
| Country                     | :: | Netherlands   |

## Supplemental Application Data Sheet

Page 3 of 6

**Fourth Inventor Information**

|                             |    |                    |
|-----------------------------|----|--------------------|
| Inventor Authority type     | :: | Inventor           |
| Primary Citizenship Country | :: | Netherlands        |
| Status                      | :: | Full Capacity      |
| Given Name                  | :: | Jan                |
| Middle Name                 | :: |                    |
| Family Name                 | :: | KOK                |
| City of Residence           | :: | Groningen          |
| Country of Residence        | :: | Netherlands        |
| Street                      | :: | Van Hamelstraat 34 |
| City                        | :: | Groningen          |
| Postal or Zip Code          | :: | NL-9714 HL         |
| Country                     | :: | Netherlands        |

**Fifth Inventor Information**

|                             |    |               |
|-----------------------------|----|---------------|
| Inventor Authority type     | :: | Inventor      |
| Primary Citizenship Country | :: | Netherlands   |
| Status                      | :: | Full Capacity |
| Given Name                  | :: | Jan           |
| Middle Name                 | :: |               |
| Family Name                 | :: | SIKKEMA       |
| City of Residence           | :: | Zeegse        |
| Country of Residence        | :: | Netherlands   |
| Street                      | :: | Hoofdweg 46   |
| City                        | :: | Zeegse        |
| Postal or Zip Code          | :: | NL-9483 PC    |
| Country                     | :: | Netherlands   |

## Supplemental Application Data Sheet

Page 4 of 6

**Sixth Inventor Information**

|                             |    |                    |
|-----------------------------|----|--------------------|
| Inventor Authority type     | :: | Inventor           |
| Primary Citizenship Country | :: | Netherlands        |
| Status                      | :: | Full Capacity      |
| Given Name                  | :: | Johannes           |
| Middle Name                 | :: | Marie Wilhelmus    |
| Family Name                 | :: | GEURTS             |
| City of Residence           | :: | Hengelo            |
| Country of Residence        | :: | Netherlands        |
| Street                      | :: | Antwerpenstraat 18 |
| City                        | :: | Hengelo            |
| Postal or Zip Code          | :: | NL-7559 NK         |
| Country                     | :: | Netherlands        |

**Seventh Inventor Information**

|                             |    |               |
|-----------------------------|----|---------------|
| Inventor Authority type     | :: | Inventor      |
| Primary Citizenship Country | :: | Netherlands   |
| Status                      | :: | Full Capacity |
| Given Name                  | :: | Arjen         |
| Middle Name                 | :: |               |
| Family Name                 | :: | NAUTA         |
| City of Residence           | :: | Bennekom      |
| Country of Residence        | :: | Netherlands   |
| Street                      | :: | Esdoornlaan 7 |
| City                        | :: | Zeegse        |
| Postal or Zip Code          | :: | NL-6721 CG    |
| Country                     | :: | Netherlands   |

## Supplemental Application Data Sheet

Page 6 of 6

## Assignee Information

|                    |    |                       |
|--------------------|----|-----------------------|
| Assignee Name      | :: | Friesland Brands B.V. |
| Street             | :: | Blankenstein 142      |
| City               | :: | Meppel                |
| Country            | :: | Netherlands           |
| Postal or Zip Code | :: | NL-7943 PE            |



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

January 19, 2007

NORRIS, MCLAUGHLIN & MARCUS, PA  
875 THIRD AVE, 18TH FLOOR  
NEW YORK, NY 10022  
US

Dear Sir/Madam,

Your refund request for 10562601 in the amount of \$2,200.00 has been denied.

Already Processed. vw

Sincerely,

RITA WHITE  
PCT - National  
703 308-9140 x231